

# Town of Hampton



## Hampton Board of Selectmen Minutes of March 05, 2012

PRESENT: Richard Nichols, Chairman  
William Lally, Vice-Chairman  
Richard Griffin, Selectmen  
Gerald Znoj, Selectmen  
Michael Pierce, Selectmen  
Frederick Welch, Town Manager  
Mark Gearreald, Town Attorney

6:30 PM Non Meeting with Counsel – RSA 91-A: 2,I,c

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

### SALUTE TO THE FLAG

#### I. Public Comment Period

Jay Denier, 206 Woodland Road, is the Chairman of the Conservation Commission and would like to speak briefly in favor of two warrant articles. The first is Article 5, which is the ordinance change to the wetlands ordinances. This is a bookkeeping change they are rewriting the ordinances to make them easier to understand. The second article is Article 19 to allow North Hampton State Beach to tie into the Town’s sewer. He explained that they have many problems up there with not a lot of solutions. He went through some of the options including port-a-potties or composting toilets. He also discussed some of the potential problems with composting toilets. This will not cost Hampton anything and gives us the opportunity to be a good neighbor.

Arthur Moody he would also like to discuss Article 19. He is reminded of what happened when he was a Selectman in the 90’s in regards to Sun Valley wanting to access the WWTP. He expressed concerns with wanting to allow another community to tap into the Town’s sewer. He reminded everyone how North Hampton separated from Hampton and he is not in favor of this article unless North Hampton State Beach becomes part of Hampton again. He feels there should be a buy in from the State if this is going to happen. Mr. Moody questioned if we have to pay for yard waste and brush since he has read this in the Town Report. Chairman Nichols is not sure if he is asking about residents or commercial businesses. Chairman Nichols and Mr. Lally both agreed that residents are not charged for yard waste or brush at this time. Mr. Moody has brought the minutes from Selectmen’s meeting for signing the warrant. He referred to the vote about the Rye hook up and how Mr.

Griffin voted against this. Mr. Lally and Mr. Griffin agreed that the vote Mr. Moody is referring to is the vote on whether or not to add tally mark votes to the warrant. The tally marks are what Mr. Griffin voted against. He reminded everyone that 13 months ago to the day at the Deliberative Session there was a discussion on Article 18 and the paving of the road at Eaton Park. At the time, Mr. Moody had informed the public that this road was named by the Selectmen in the 1970's Meeting House Green. The street signs had been missing and have reappeared recently.

## II. Announcements and Community Calendar

Mr. Pierce has received many questions on recycling. He has been asked several times why no plastic bags the reason he has found out is that the bags get tangled in all the equipment that the recycling goes through when being processed. Mr. Pierce also would like to present a flag to the Town that he got at the Lions Club this week and the flag flew over Washington.

Mr. Znoj stated that it was brought to his attention this past weekend that the vote the Board took last week to not elect a chairperson for a week or two after the election was illegal according to the person he spoke to. This person felt that they were binding a future board and they cannot do that. Chairman Nichols does not think the vote was illegal. He added that there are times when Boards make decisions that bind future Boards. Chairman Nichols stated that they took a vote that was unanimous, at least three of them will still be on the Board after the election, and they essentially made a policy decision. If the Board after the election wishes to change this policy decision, they can do that. That being said the only way that the vote could actually change is if one of the three of the remaining members was to change their vote. Mr. Lally will not be here but would hope that no one changes their vote out of fairness to a fellow Board Member. Chairman Nichols shared a policy that the Board set in 2010 and has not been changed as of this point but it could be changed by a future Board if they so choose to do so. Mr. Griffin stated that if it does become a problem he would be available for a phone vote if that is legal.

## III. Town Manager's Report

1. The Annual Town Election is March 13<sup>th</sup> at Winnacunnet High School from 7AM to 8PM. If you need an absentee ballot, please contact the Town Clerks Office immediately for details.
2. The Hampton Arts Network had completed its 6-month period in December. No new organization or individual has requested the display space. The Arts Network would like to utilize the space for the display of artwork through the end of 2012.
3. The Department of Public Works has met the next scheduled filing with the State Department of Environmental Services under the Agreement to upgrade the wastewater treatment plant and remove the prior moratorium.
4. We have received the annual update from the Seacoast Shipyard Association regarding the economic impact of the Shipyard for New Hampshire, Maine, and Massachusetts. It is noted that Hampton has 47 residents who are employed at the Shipyard with an annual impact of \$3,211,985 on our economy.
5. All of the annual minutes of the Selectmen and the Planning Board for 2011 have been compiled and are ready to be sent for permanent binding. Additionally, the

Town Reports have been mailed to all required State Agencies as required by law and to the Municipal Association.

6. Lastly, if you are putting up political signs do not put them on Town property. If they are found on Town property, they will be removed.

#### Discussion

Mr. Pierce asked if the Schools actually receive a benefit from the Shipyard that has an impact on the students. Mr. Welch believes in certain situations this is true. Mr. Welch added how the Shipyard goes about on a yearly basis to report where the employees reside.

Chairman Nichols commented that Mr. Welch brought up the Hampton Arts Network and wonders if anyone would like to make a motion.

Mr. Znoj MOTIONED to allow the Hampton Arts Network to continue to display artwork in the Town Hall through the end of 2012. Mr. Pierce SECONDED.

VOTE: 5-0-0

#### IV. Old Business

##### 1. DRED Agreement

Chairman Nichols explained that last Wednesday Mr. Welch, DPW Director, Town Attorney, Selectmen Griffin, and he met with State Parks personnel including State Parks Director Phil Bryce to discuss the potential MOU between the Town and State of NH. They also discussed the issue that has recently come up in regards to the State retail/revenue operation. He feels the meeting went very well and Director Bryce provided a letter as to their intentions related to retail operations and other revenue producing activities. The Selectmen have received a copy and anyone wishing to see this letter can contact him or see Kristina at Town Hall. He went through some of the details of the letter including that these operations are not meant to compete with local businesses at the beach but instead add to them. As for the MOA, it will be a one-year agreement. He confirmed that this agrees to in writing what has been agreed to verbally and carried out in recent years. The only additional items include: the Town will take an as required pass with the street sweeper through the State parking lot from Haverhill Ave to the Shell; the State will begin to plow this lot and some to be determined length of the east wall sidewalk in the area between Haverhill Ave and the Shell. They also discussed putting forward a warrant article in 2012 that would affect the ordinance in the area of the use of the Town portion of the State beach from Haverhill Ave south to the State Park. Chairman Nichols had not realized that there was a Town portion of the beach in this area. There will be no changes on dogs being allowed on the Town beaches. Keith Noyes is going to meet with Mike Houseman from State Parks to finalize the details with the goal of getting approval by both parties by April 1<sup>st</sup>.

Mr. Griffin added that they seemed very nice and wanted to do the right thing. He mentioned in regards to retail operations it was discussed about keeping things open another month or so and the possibility of selling coffee and donuts and other similar items. If people have a problem with this he encourages them to go to the Hampton Beach Area Commission to complain. Mr. Bryce did state that if people have a real problem with this they want to hear about it. The function rooms are going to be used for meetings/events. They plan to have a New Years Eve Ball, Valentine's Day Dinner Party, comedy nights, theme dinners, and

possibly Sunday brunches offered as well. He reiterated that if people have a problem they need to attend a meeting of the Hampton Beach Area Commission and they are meeting again at the end of this month (3<sup>rd</sup> Thursday of the month). On March 31<sup>st</sup> there will be a meeting tentatively from 10 to 12 at the Seashell complex hosted by Division of State Parks somewhere in that area. They are inviting people to come up and view these different areas and raise any concerns they may have. Hopefully there will be something in the paper for people to take a look at but the gentlemen they spoke with last week did seem very reasonable. If there is nothing open there they hope to stay open to keep people at the beach. Mr. Griffin mentioned how nice it has been too have the lights left on down there by them.

Chairman Nichols clarified that the HBAC meeting is on the 4<sup>th</sup> Thursday and is going to be located in the Selectmen's Meeting Room.

Mr. Welch reiterated that anyone who has difficulty or cannot make the meeting should submit their issues in writing to him and he will forward it along.

Chairman Nichols mentioned that the letter is available for anyone interested. Mr. Griffin stated again the importance of business owners to attend this meeting.

Mr. Welch added that from the Town's perspective the operational perspective they are trying to get the bugs out of all the different operations that the State and the Town does together. If anyone sees something going on that they are missing please let them know so that it can be discussed.

#### Discussion

Mr. Znoj commented that the letter from the State at the end thanks them for hearing their plans. He reminded everyone that the Board has not signed anything and if silence occurs that means silence is accepted. He thinks it is important that they get copies of this letter generated to the businesses whether it is in the paper, through the chamber or on the website this information needs to get out there.

Mr. Welch will make sure this is put on the website.

Mr. Griffin added that the State really does want input from the public/business owners.

Mr. Lally hopes that all the business owners at the beach read this letter. He also stated that the Board has signed nothing.

Chairman Nichols thinks the good news is that there is a spirit of cooperation.

#### Other Old Business

Chairman Nichols has one more item in regards to warrant article 8 for the Fire Stations and the article that was in the paper. There were several statements made by Mary Louise Woolsey and Brian Warburton advocating that the fire station warrant article be turned down by the voters. He thinks some of the things stated needed clarification on a factual level. Ms. Woolsey stated that the plans did not begin with the Selectmen until the Fall however this is not true and Chairman Nichols went through all the times that they actually discussed the Fire Station plans. Ms. Woolsey stated that the energy committee stated that these plans are bleeding out energy but in fact they spent a total of \$15,000 in heating fuel for both stations in 2011 and it is expected that the new construction at Winnacunnet Road station will result in a cost of approximately \$3,000 to \$4,000 which is insignificant in relation to the

\$2M savings reflected in this year's proposal. In reference to the Winnacunnet Road Station Ms. Woolsey stated that nothing can correct the structural problems in the existing station and it should be torn down. Chairman Nichols stated that there are no structural defects but instead does not meet the codes for new construction. He wonders how many other public buildings in Town do not meet the codes for newly constructed facilities and to suggest that municipalities tear down existing structures that do not meet updated codes for new construction is insensitive to the taxpayer. Ms. Woolsey inferred that the current proposal is not professional in her statement "I intend to settle for nothing less than a professional plan not something whittled down by meddling politicians." Chairman Nichols reminded everyone that the current proposal was prepared by the Chief using the same architects as 2011 plans and is based in large on the 2011 proposal. Mr. Warburton stated that we need to step back and wait for another time. Chairman Nichols stated that interest rates on a 20 year bond are at an all time low. To defer this project a couple of years will only result in an increase in interest rates which will result in a huge rise in the cost of the project. He has confirmed the accuracy of these facts with Chief Silver. Mr. Warburton stated that at the 11<sup>th</sup> hour we hear how bad the pump station is which is another scare tactic and Chairman Nichols reminded everyone about the Wright Pierce engineers report from the 2011 Warrant Article funding and design and the recommendation that the pump station be replaced within 5 years. He also brought up the conceptual design that has been completed and the work that Mr. Noyes has done on this project.

Mr. Znoj agrees with Chairman Nichols and there are so many things floating around out there that are being presented as facts and they are not facts.

## V. New Business

### 1. Human Resource Coordinator

Mrs. Robertson stated in a continuing effort to save the Town money and utilize both her legal knowledge and experience in working for the Town for the past 9 years she is proposing to assume additional responsibilities to provide added human resource support to all other Town Departments in addition to her work as Town Attorney. She would estimate in the long term she would be spending 25 to 50% of her time on Human Resource issues. The Town is in need of a Human Resource Coordinator to develop policies such as sexual harassment policy and training for Town employees. Also a drug and alcohol policy with training for employees in that area. She has been working with the Municipal Association to develop and implement these policies and the necessary training. The Town will also benefit from her representation of Department Heads and the Town Manager in investigating grievances and appropriate response to such grievances. This has been handled by outside counsel in the past and she has been assuming these responsibilities. There are also many day to day issues that she will handle such as updating job descriptions and she will be coordinating these efforts with the departments under the control of the Town Manager and Board of Selectmen. Many of her human resource duties will include working with the Town Manager in the development of job applications, written standardized hiring procedures and individualized offer letters. She will also be developing contracts for non union employees at the request of the Board of Selectmen. She has provided the Board with job descriptions as Assistant Town Attorney and Human Resource Coordinator both of these roles require someone with the background and knowledge that she has.

## Discussion

Mr. Lally does not have questions but would like to make some statements. He thinks she has done a wonderful job and we have needed someone in this position for some time now. He thinks this is a good deal for the Town.

Mr. Znoj stated that when they were researching a few weeks ago to see what Towns/Cities had attorneys they were surprised to find how heavily they invested in Human Resource people. He feels there are reasons for this and in his 3 years here he has seen issues that if they had proper representation they could have headed off some problems. He is in full support of this and it will be a great benefit for the Town and will save money in the long time. He has read the job descriptions and thinks they have gotten a good deal here having her on board.

Mr. Griffin added that when Mr. Znoj rattles off all those Towns he should point out that some of those are cities and that makes them different from Hampton. He stated that many cities do have lawyers but Towns don't. He thinks that no matter what happens with the vote at Town election they really have to look at things and this conversation has opened up a whole new area of something to take a look at. He does not think this is a bad idea but he is tired of hearing about all these cities that have attorneys and HR compared to Hampton which is a Town. He does not doubt that we need to have more HR type duties here. He has been stating for many years that grievances should be handled in house and he has complained about this since he became a Selectman.

Mr. Pierce stated that soon after he became a Selectman there was a serious issue with an employee that would have been handled much better if he had an HR person to turn too. He thinks it will be good to have someone on board to handle these items.

Chairman Nichols thinks that an organization with 150 fulltime employees needs to have some level of HR support. What they are talking about doing is at no additional expense but instead shifting part of the orientation of one individual role into a more proactive role of resolving issues on the front end as opposed to a reactive level of ending up with grievances or at PELRB or wherever else.

Chairman Nichols MOTIONED to approve the change in Wanda's role in the area that has been proposed. Mr. Lally SECONDED.

VOTE: 5-0-0

Mr. Pierce questioned if there will be a split in her wages in the budget. Chairman Nichols does not see a reason to change the budget at this time but maybe after June they may have a better feel and decide to reflect a change in the 2013 budget.

### 2. Trash and Recycling Hauling Contract

Mr. Welch explained that he and the DPW Director have had many discussions about the equipment that they have for hauling the trash to the various destinations. We currently own 3 trailers that are ejection trailers and they unload from 2 to 5 minutes depending on what's in them. We also rent 3 trailers from our current hauler they have what is referred to as walking floors and take anywhere from 25 to 30 minutes to unload and it was discussed how these trailers empty. They would like to purchase 3 of the ejection trailers similar to the first trailers discussed above. They would like to purchase these trailers from the same vendor as

before without going back out to bid. This is assuming that they are given the same rate as was given for the first 3 they purchased. He explained the benefit to the Town to own equipment as opposed to renting. They want the Boards permission to take care of all this material and then bring it to the Board for approval since the money will need to come from the Capital Reserve Fund. Another benefit to owning as opposed to renting is that in the rented trailer we are charged \$18 a ton as opposed to \$14 a ton on equipment that the Town owns.

#### Discussion

Chairman Nichols pointed out that the savings between owning and renting is about 25%. He also commented on a large explanation given by Mr. Noyes but he has done his own simplistic analysis and the pay back on the trailers would be about 3.5 years. He questioned how long the trailers would last and Mr. Welch feels that the new trailers would last somewhere between 10 and 15 years.

Mr. Znoj stated that they currently are using at least 3 trailers and he wonders how this would work. Mr. Welch explained the rotation process of these trailers and how it works. He also stated how we have something to put in place if maintenance is needed to be done. There are usually two trailers out at a time. They discussed how long it takes to transport and where they have to go.

Mr. Griffin confirmed that this is being used to reduce cost in the future.

Mr. Znoj confirmed that we would return the rented trailers.

Chairman Nichols reminded everyone about the original bidding process that took place and he does not have a problem waiving it for this time around.

Chairman Nichols MOTIONED to approve the purchase of three trailers without having to go through the competitive bidding process and approve the withdrawal of such funds (approximately \$175,000, at the same purchase price) from the Capital Reserve Fund. Mr. Znoj SECONDED.

VOTE: 4-0-0

#### Other New Business

Mr. Znoj brought up some statistics they have received from Employment Security. He shared the following statistics: census in 2010 was for 15,430 people ranking 16<sup>th</sup> in NH, density and land area 12.9 square miles, 1,196 persons per square mile and ranked 5<sup>th</sup> in terms of density, population by age group which he broke down including 1/3 of public over 55, median household income \$67,518, unemployment rate up 6% and valuation by property type 83.6% of valuation is by residential land building and only 13.4% is commercial land. In 2012 and 2013 he would suggest that the Board set as one of their goals to beef up the commercial land valuations. He brought up a speaker at the HBAC and how she should come and talk to this Board. Mr. Griffin agreed that the speaker was great and should come before this Board. Mr. Znoj and Mr. Griffin both agreed that Hampton needs to be more business friendly. Chairman Nichols pointed out that the population number is inaccurate and the final population was slightly under 15,000. They had an additional discussion on how 1/3 of the population is over 55.

Chairman Nichols brought up the election and how there is not a need for the Selectmen to man the polls at this election. However they do need to be there to sign off at the end of the night. Mr. Lally and Mr. Griffin are not available but Mr. Pierce, Mr. Znoj and Chairman Nichols will be available.

#### VI. Consent Agenda

1. Raffle Permit Sacred Heart School
2. Release of Welfare Lien
3. Elderly Exemptions – Southworth, John R. & Christa M. Tax Map 125-3-4; Gilbert, Timothy E. & Brenda E., Tax Map 146-16; Taylor, Romeo M. & Beverly A., Tax Map 133-68-31; Emery, Maureen, Tax Map 192-30.
4. Veterans Exemptions – Romeo M. & Beverly A, Tax Map 133-68-31; Bennett, George , Jr., Tax Map 72-5-9; Veterans Surviving Spouse, Gidley, Phyllis, Tax Map 267-44; Surviving Spouse – Palmer, Irene, Tax Map 177-9.
5. Blind Exemption – Palmer, Irene, Tax Map 177-9
6. Disabled Exemption – Wojcik, Stanley Jr., Tax Map 293-109

Mr. Griffin MOTIONED to MOVE the consent agenda. Mr. Znoj SECONDED.

VOTE: 5-0-0

#### VII. Closing Comments

Mr. Pierce would like to speak to Mr. Welch after the meeting about a letter they received.

#### VIII. Adjournment

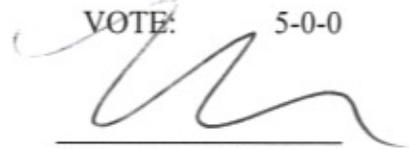
On motion made by Chairman Nichols and seconded by Mr. Lally to enter into a Nonpublic Session under RSA 91-A:2, II(c).

By roll call vote, the Board voted unanimously to enter into a Nonpublic Session under RSA 91-A:2, II(c).

And;

Mr. Pierce MOTIONED to adjourn the public meeting and SECONDED by Mr. Znoj.

VOTE: 5-0-0

  
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Chairman

# Town of Hampton



## AGENDA Board of Selectmen March 05, 2012

Posted: Town Offices, Library, Beach Fire Station

6:30 PM Non Meeting with Counsel – RSA 91-A: 2,I,c

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

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- I. Public Comment Period
- II. Announcements and Community Calendar
- III. Town Manager’s Report
- IV. Old Business
  1. DRED Agreement
- V. New Business
  1. Human Resource Coordinator
  2. Trash and Recycling Hauling Contract
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